

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**BEE CREEK PHOTOGRAPHY,**  
*Plaintiff*

v.

**FRONKS LLC,**  
*Defendant*

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**Case No. 1:23-CV-01247-DII**

**ORDER**

Plaintiff Bee Creek Photography filed this action against Defendant Fronks LLC on October 17, 2023. Dkt. 1. To date, Defendant Fronks LLC has not appeared in this action.

Federal Rule of Civil Procedure 55 governs the entry of default judgment. “Default under Rule 55 is a two-step process: (1) the entry of default and (2) the subsequent entry of a default judgment.” *Can Capital Asset Servicing, Inc. v. Huerta, Jr.*, No. SA-15-CV-1049-XR, 2016 WL 8223267, at \*1 (W.D. Tex. Mar. 31, 2016) (citing FED. R. CIV. P. 55). “An entry of default is what the clerk enters when the default is established by affidavit or otherwise. After defendant’s default has been entered, plaintiff may apply for a judgment based on such default. This is a default judgment.” *New York Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996) (emphasis in original).

Here, Plaintiff moved for entry of default against Defendant on January 15, 2014. Dkt. 9. The Clerk’s Office entered default on March 1, 2024. Dkt. 10. Plaintiff has yet to complete the second step in the process by moving for default judgment. FED. R. CIV. P. 55(b). Accordingly, **IT IS ORDERED** that Plaintiff move for default judgment against Defendant on or before **April 1, 2024**.

**SIGNED** on March 18, 2024.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE